

 <p style="text-align: center;">Department of Corrections ADMINISTRATIVE BULLETIN Subject: OLEORESIN CAPSICUM (Supersedes RAB 96/4R)</p>	Number: <p style="text-align: center;">99/03</p>
	Date: <p style="text-align: center;">April 12, 1999</p>
	Canceled Effective:

The purpose of this Administrative Bulletin (AB) is to announce updated departmental procedures regarding the use of approved Oleoresin Capsicum (OC) products. This AB supersedes Restricted Administrative Bulletin 96/4R.

BACKGROUND:

Pursuant to Penal Code (PC) Section 12403, OC certified peace officers within the California Department of Corrections (CDC) may possess, transport, or use any tear gas or tear gas weapon. As defined in PC 12401, OC is a "tear gas."

OBJECTIVE:

It is the policy of CDC to accomplish the custodial and correctional functions with minimal reliance on the use of force. Employees may use reasonable force as required in the performance of their duties, but unnecessary or excessive force shall not be used.

Reasonable Force is defined as the force that an objective, trained and competent correctional employee, faced with similar facts and circumstances, would consider necessary and reasonable to:

- Subdue an attacker.
- Overcome resistance.
- Effect custody.
- Gain compliance with a lawful order.

Therefore, OC products or any other less-lethal force option is authorized for use, in the prescribed manner, as follows:

- In the event of an emergency (i.e., where self-inflicted injury or injury to others is present) OC certified peace officers may, without prior approval, administer OC products against inmates/parolees.
- ***In determining the final method of extraction, the primary goal of CDC is to minimize injury to the inmates and its employees.*** In calculated use of force situations where inmates are housed, a supervisor shall administer the OC product against the inmate and any extraction will be videotape recorded. Prior authorization for the use of an OC product shall be obtained:
 - During business hours: At the level of Correctional/Facility Captain, Parole Agent III or higher.
 - During non-business hours: The Administrative Officer of the Day (AOD).



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- For incidents involving seriously mentally disordered inmates housed in departmental hospitals, infirmaries, Enhanced Outpatient Program Units, Mental Health Crisis Beds, and Psychiatric Services Units, a licensed health care employee designated by the Health Care Manager shall be consulted. The decision on whether to proceed with the use of OC or seek an alternative method of extraction will be made by the Health Care Manager or his/her designee.

Health care staff shall be aware that in providing their consultation, consideration must be given to the medical/psychiatric implications of OC use versus the potential for injury in the use of physical force.

Before making the final decision to proceed with any extraction, custody/health care staff must consider the gravity of the situation, coupled with the inmate's demeanor, e.g., verbal aggression as opposed to physical aggression, prior history of violence, physical threat to the safety of others, security of the institution, etc., which may reasonably occur if the inmate is not moved.

Once a situation involving the administration of OC is secured, the supervisor of the area shall ensure decontamination procedures, precautions, medical evaluation procedures, etc., are adhered to.

OC products shall not be used for punishment or upon individuals who are physically restrained and/or otherwise under control. ***Employees shall only administer the amount of OC product necessary and reasonable to accomplish the control objective.***

AUTHORIZATION FOR ISSUANCE:

Approved OC products may be issued to all on-duty, departmentally OC certified peace officers including, managers employed in peace officer classifications, Correctional Officers, Sergeants, Lieutenants; Correctional Counselors I, II, and III, Medical Technical Assistants and Senior Medical Technical Assistants, and Parole Agents I, II and III:

- While in the community, non-uniformed peace officers that are issued OC products shall carry the product in a concealed manner.

PRECAUTIONS:

To be effective, OC streamer products must come into contact with the face of the target.
Spraying the target below the face will not cause the desired effect. OC products are not recommended for use at distances of less than six feet. At approximately six feet or less, there is a potential for the OC product



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to splash back onto you from the target. Prior to the use of OC products, employees shall assess their environment (e.g., wind conditions, exhaust and ventilation systems, proximity of surrounding staff and inmates/parolees, arrival of responding staff, etc.).

“Positional asphyxia” occurs when an individual’s body position interferes with respiration, resulting in death. Therefore, once exposed individuals are secured (e.g. handcuffed) and/or under control, do not place them on their stomachs or in a position that allows them to end up on their stomachs. A prone position makes it difficult for any exposed individual to breathe and may be a contributing factor in positional asphyxia. If an exposed individual is in handcuffs and requires transportation via a gurney, stokes litter, etc.; he/she shall be positioned on their back or side. Employees shall make every effort to maintain visual contact of the inmate/parolee when administering OC products, and until the inmate/parolee is decontaminated.

DECONTAMINATION:

OC is a biodegradable substance; therefore, no special equipment or washing is required. However, “Universal Precautions” shall be used whenever body fluids are present.

Any exposed individual shall be decontaminated. Once the situation is secure, decontamination will be accomplished by exposing the individual to fresh moving air or flushing the affected body areas with cool water. Exposed individuals shall be evaluated and medically cleared per established procedures prior to rehousing. All symptoms should dissipate within 45 minutes.

If an exposed individual refuses to submit to decontamination procedures, additional force shall not be utilized to effect decontamination. In these situations, health care employees will monitor the exposed individual, at least every 15 minutes, for a period of not less than 45 minutes, and document their observations on a CDC Form 7219, Medical Report of Injury or Unusual Occurrence. The custodial supervisor of the area shall document the individual’s refusal to submit to decontamination procedures.

REPORTING REQUIREMENTS:

- Employees administering OC products shall:

As soon as it is safe and practical to do so, the employee who administered OC shall notify his/her immediate/unit supervisor. The administrator or manager in charge of the area shall also make a verbal report to their responsible institution head or assistant/deputy director.

In accordance to CCR Section 3268.1(a), employees administering an OC product shall submit a written report to their immediate/unit supervisor prior to going off duty. The report shall identify



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any witnesses to the incident and describe the circumstances giving rise to the use of OC, the duration of each OC application and the extent of force used by the employee. The employee's immediate supervisor shall review the report to ensure that it is adequately prepared and to reach a judgement concerning the appropriateness of the force used. The supervisor shall document his or her conclusions and forward them, through the designated chain of command, to the institutional head for approval or follow-up action.

The loss or theft of an OC product shall be immediately reported, both orally and in writing, to the responsible institution head or assistant/deputy director. Reports shall include all pertinent information surrounding the loss, including but not limited to: OC canister number, time and place of loss, efforts initiated to recover the OC, and the outcome of those efforts.

- In institutions/facilities where inmates are housed, the following is required:
 - Following an emergency situation where OC was used and prior approval was not obtained from an administrator or manager, the incident commander shall immediately notify his/her supervisor or the AOD.
 - The incident commander shall fully document each use of an OC product on a CDC Form 837, Crime/Incident Report.
 - In calculated use of force situations where a health care consultation was required, the incident commander shall document the results of the consultation and the basis for the final method of extraction on a CDC 837 and in the Unit Health Record on a CDC 128B, Informational Chrono.
 - A manager designated by the Warden shall review the videotape of the extraction and ensure it is retained with the original CDC Form 837. The videotape shall be stored in accordance with existing local procedures.
- For peace officers working in the community, the following is required:
 - The administering employee shall also fully document the use of OC on a CDC Form 1662, Field Incident Report.



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PROCUREMENT/STORAGE:

OC products authorized for use in the prescribed manner by the Director include but are not limited to streamer, fogger, and OC water delivery systems. For information regarding the procurement of OC products, contact the Executive Officer, Technology Transfer Committee, at (916) 323-2450 or CALNET 473-2450.

Each institution head or assistant/deputy director shall develop and implement local procedures which will delineate the systematic issuance or transfer of OC products between personnel. When not in use, OC products shall be stored in secure locations as designated by the responsible institution head or assistant/deputy director. Employees assigned to areas designated for the distribution of OC products shall ensure that proper control and issuance procedures are followed to maintain security and accountability.

Each institution head or assistant/deputy director shall develop and implement local procedures which will delineate the disposal of, used or expired OC products in accordance with the products Material Safety Data Sheet. These procedures shall be coordinated with the institution/facility's local Hazardous Materials Coordinator and/or the Department of Corrections' Office of Environmental, Health, and Safety Management at (916) 322-1375.

TRAINING:

OC certification will include departmentally approved classroom and hands-on training relative to its use, precautions, decontamination, and the safety procedures to be followed. Annual re-certification is required. Each responsible institution head and assistant/deputy director shall ensure that OC certified peace officers are the only employees issuing and issued OC products.

Please inform all authorized persons of the content of this AB, which shall remain in effect until incorporated into the appropriate section of DOM. If you have any questions or comments regarding this AB, please contact Calla Soon-Krupp, Office of the Chief Deputy Director-Field Operations, at (916) 324-2967 or CALNET 454-2967.

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Chief Deputy Director
Support Services